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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,921	01/19/2001	Kuo-Hsing Cheng	004728.P042	8262

7590

05/19/2004

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EXAMINER

THOMPSON, ANNETTE M

ART UNIT

PAPER NUMBER

2825

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,921

Applicant(s)

CHENG ET AL.

Examiner

A. M. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 and 17 is/are rejected.
- 7) ☒ Claim(s) 1-5 and 11-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicants' after-final amendment has been entered. However, the application is still not in a condition for allowance and this second non-final office action is issued to enter additional new grounds of rejection. Claims 1-21 are pending in the application. **Claims 18-21 are non-elected claims withdrawn from consideration and should now be cancelled by Applicant.**

Claim Objections

1. Claims 1-17 are objected to because of the following informalities: Pursuant to **claim 1**, before “, comprising”, -insert for min-cut and ratio min-cut partitioning- -. At line 3, “side” should be plural. At line 9, after “whether” insert - -a- -; at line 9, change “uniform” to - -uniformly distributed- -. At line 11, delete “performing the following steps for”. At line 12, before “node”, delete “each”; delete “thereby obtaining” and insert - -to obtain- - in lieu thereof; after “min-cut”, delete “or”. At line 13, after “partitioning”, insert - -by- -. Pursuant to **claim 6**, at line 1, after “comprising”, insert - -the- -; at line 7 and 10, use the gerund form of the verbs, except at line 10, change “for achieving” to - -to achieve- -; at line 5, delete the “/” and insert either - -or- - or - -and- -. Pursuant to **claim 11**, at line 9, delete “performing the following steps for” and “of the”; after “pairs”, insert - -on said V-E plane- -; at line 10 change “thereby obtaining” to - -to obtain- -; delete “or”, insert - -and- - in lieu thereof; additionally, at line 9, “V-E pairs” lack sufficient antecedent basis. Pursuant to **claim 12**, at line 2, delete “said”, insert - -a- - in lieu thereof; delete “uniform”, insert - -uniformly distributed- - in lieu thereof. Pursuant to **claim 17**, at line 27, use the gerund form of the verbs; at line 24, delete the “/” and insert either - -or- - or

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- -and- -. Additionally, pursuant to claims 6 and 17, these claims recite determining whether a node set is *still* interchanged, but there is no step apriori of a node set being interchanged.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-10 rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which Applicant(s) regard as their invention. Pursuant to claim 6, lines 6-8 and claim 17, lines 26-28, these claim limitations not conform to Applicant's disclosure on page 14.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. It is unclear what the structural cooperative relationships is between "a loop" (what kind of loop is being referenced) and the rest of the claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications should be directed to Examiner A.M. Thompson whose telephone number is (571) 272-1909. The Examiner can usually be reached Monday thru Friday from 8:00 a.m. to 4:30 p.m.. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matthew S. Smith, can be reached on (571) 272-1907.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562 or the Customer Service Center whose telephone number is (571) 272-1750.

6. Responses to this action should be mailed to the appropriate mail stop:

Mail Stop _____

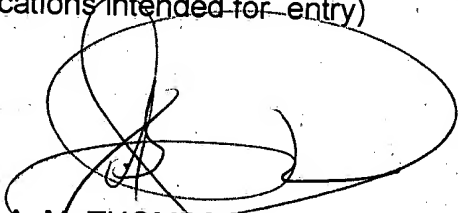
Commissioner for Patents

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or faxed to:

(703) 872-9306, (for all **OFFICIAL** communications intended for entry)



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